BORA LASKIN LAW LIBRARY
3 1761 06102014 5

CRIMINAL LAW

Alan Brudner

VOLUME I

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

2006-2007

BORA LASKIN LAW LIBRARY
AUG 3 0 2006
FACULTY OF LAW
UNIVERSITY OF TORONTO

CRIMINAL LAW

Alan Brudner

VOLUME I

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

2006-2007

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallaw01brud_9

TABLE OF CONTENTS

(Volume I)

Chapter One: The Aims of Punishment

Bentham, Principles of Morals and Legislation 1

C.S. Lewis, "The Humanitarian Theory of Punishment" 5

Hegel, Philosophy of Right 9

Chapter Two: The Principle of Legality

Shaw v. Director of Public Prosecutions 15

R. v. Nova Scotia Pharmaceutical Society 22

Chapter Three: The Presumption of Innocence

Woolmington v. D.P.P. 29

R. v. Oakes 34

R. v. Whyte 41

Downey v. The Queen 48

R. v. Lifchus 58

Chapter Four: Actus Reus

R. v. Corrier 63

R. v. Williams 66

A) Voluntariness

Rex v. Larsonneur 74

Hill v. Baxter 75

B) Omissions

A Penal Code Prepared by the Indian Law Commissioners 77

People v. Beardsley 79

The Queen v. Instan 82

Fagan v. Commissioner of Metropolitan Police 85

R. v. Miller 88

LRCC, Working Paper #46, Omissions 90

C) Causation

R. v. Winning 93
Commonwealth v. Moyer 94
The Queen v. Jordan 96
R. v. Smith 98
People v. Lewis 101
Pagett v. The Queen 102
The American Law Institute's Model Penal Code 104
R. v. Cheshire 105
R. v. Smithers 110
R. v. Blaue 111
R. v. Cribbin 114
R. v. Nette 121

Chapter Five: Inchoate Crimes

I. Attempts

A) Intent

Lajoie v. The Queen 138
R. v. Ancio 142

B) Actus Reus

The King v. Robinson 148
The King v. Barker 152
R. v. Cline 156
R. v. Sorrell and Bondett 160
Deutsch v. The Queen 165
LRCC Draft Criminal Code 169

C) The Relevance of Impossibility

R. v. Scott 171
R. v. Smith (Roger) 173
R. v. Shivpuri 178
USA v. Dynar 183

II. Counselling

R. v. McLeod et al. 202
R. v. Gordon and Gordon 203
LRCC Draft Criminal Code 204

Chapter Six: Mens Rea

R. v. City of Sault Ste. Marie 205
Barbara Wooton, Crime and the Criminal Law 205
H.L.A. Hart, Punishment and Responsibility 209

A) Intention and Motive

Lewis v. The Queen 213
R. v. Steane 218
Dunbar v. The King 221
Paquette v. The Queen 222
R. v. Hibbert 225

B) Recklessness

R. v. Caldwell 239
R v. G and another 243
R. v. Tutton and Tutton 253
R. v. Hundal 264
Brenda M. Baker, "Mens Rea & Negligence" 272
American Law Institute's Model Penal Code 276

Chapter Seven: Departures from Mens Rea

A) Constructive Murder

Burns and Reid, "From Felony Murder to Accomplice Felony Attempted Murder" 278
R. v. Vaillancourt 280
The Law Reform Commission of Canada Working Paper 33, Homicide 292
LRCC Draft Criminal Code 295
R. v. Martineau 296

B) Foreseeability of Harm

R. v. DeSousa 309

R. v. Creighton.....317

C) Strict and Absolute Liability

Morris and Howard, "Strict Responsibility".....340

Rex v. Ping Yuen.....343

Beaver v. The Queen.....345

R. v. City of Sault Ste. Marie.....350

Reference Re: Section 94(2) of the Motor Vehicle Act.....356

Wholesale Travel Group Inc. v. The Queen.....362

Chapter Eight: Parties to Offences

R. v. Kulbacki.....392

R. v. Salajko.....393

Dunlop and Sylvester v. The Queen.....394

R. v. Bainbridge.....400

R. v. Logan et al......402

LRCC Draft Criminal Code.....409

Chapter Nine: Vicarious and Corporate Liability

A) Vicarious Liability

Allen v. Whitehead.....411

R. v. Hawinda Taverns Ltd......413

B) Corporate Liability

R. v. Fane Robinson Ltd......415

R. v. Andrews Weatherfoil Ltd......419

R. v. Waterloo Mercury Sales Ltd......421

Canadian Dredge and Dock Co. Ltd. et al. v. The Queen.....422

LRCC Draft Criminal Code.....427